



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/808,641	03/14/2001	Hiroshi Sugimoto	YAMAP0756US	2486

7590 06/23/2004

Neil A. DuChes
Renner, Otto, Boisselle & Sklar, L.L.P.
19 Floor
1621 Euclid Avenue
Cleveland, OH 44115

EXAMINER

DINH, TAN X

ART UNIT	PAPER NUMBER
----------	--------------

2653

DATE MAILED: 06/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/808,641

Applicant(s)

SUGIMOTO ET AL.

Examiner

TAN X. DINH

Art Unit

2653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,2,6,7,11,12,21-23 and 32 is/are rejected.
- 7) ☒ Claim(s) 3-5,8-10,13-20 and 24-31 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Art Unit: 2653

1) The I.D.S filed 4/09/2001 has been considered by the Examiner. However, the Japan and/or foreign document(s), if they have not been written in English, are considered to the extent that could be understood from the English Abstract and the drawings.

Form PTO-1449 or PTO/SB/08 is(are) attached herein.

2) Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

3) The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The following title is suggested.

METHOD FOR REPRODUCING INFORMATION DATA HAVING READING ERRORS.

4) The drawings are objected to because figures 6-9 should be designated by a legend such as -- PRIOR ART -- since only that which is old is illustrated. See MPEP § 608.02(g).

INFORMATION HOW TO EFFECT DRAWING CHANGES

a) REPLACEMENT DRAWING SHEETS.

Drawing changes may be made by presenting replacement figures which incorporate the proposed changes and which comply with 37 CFR §1.84. An explanation of the changes made must be presented in either in the drawing amendments or remarks section of the amendment.

Art Unit: 2653

Any replacement drawing sheet must be identified in the top margin as "Replacement Sheet" and include all of the figures appearing on the immediate prior version of the sheet, even though only one figure may be amended. The figure or figure number of the amended drawing should not be labeled as "amended".

If the changes to the drawing figure(s) are not approved by the examiner, applicant will be notified of any required corrective action in the next Office action. No further drawing submission will be required, unless applicant is notified.

Identifying indicia, if provided, should include the title of the invention, inventor's name, and application serial number or docket number (if any) if an application serial number has not been assigned to the applicant. If this information is provided, it must be placed on the front of each sheet and centered within the top margin.

b) ANNOTATED DRAWING SHEETS.

A marked-up copy of any amended drawing figure, including annotations indicating the changes made, may be submitted or required by the Examiner. The annotated drawing sheet must be clearly labeled as "Annotated Marked-up Drawings" and accompany the replacement sheets.

c) TIMING OF CORRECTIONS.

Applicant is required to submit acceptable corrected drawings within the time period set in the Office action. See 37 CFR §1.85(a).

Art Unit: 2653

Failure to take corrective action within the set period will result in ABANDONMENT of the application.

If corrected drawings are required in a Notice Of Allowability (PTO-37), the new drawings MUST be filed within the *THREE MONTHS* shortened statutory period set for reply in the "NOTICE OF ALLOWABILITY". Extensions of time may NOT be obtained under the provisions of 37 CFR §1.136 for filing the corrected drawings after the mailing of a NOTICE OF ALLOWABILITY.

5) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

6) (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7) Claims *1,2,6,7,11,12,21- 23 and 32* are rejected under 35 U.S.C. 102(b) as being anticipated by APPLICANT'S PRIOR ART (Figures 6-9).

The by APPLICANT'S PRIOR ART (Figures 6-9) discloses a method for reading data from an information recording medium having a plurality of address regions as claimed in claims 1 and 11, comprising the steps of:

Art Unit: 2653

performing a reading operation for all of designated address regions among the plurality of address regions while holding read error information regarding the read error in the case where a read error occurs during reading of data from one of the plurality of address regions (Figures 6,8-9, the information data and reading error are read from optical disk 615);

transferring the read data to a data conversion device for converting the read data (Figures 6,8-9, the information data are transferred to data conversion device 635); and

transferring the read error information to the data conversion device (Figures 6,8-9, the reading error are transferred to data conversion device 635 together with information data. See also the specification, page 3, line 4 to page 8, line 2).

Apparatus claims 6 and 22 are drawn to the apparatus corresponding to the method of using same as claimed in claims 1 and 11. Therefore apparatus claims are rejected for the same reasons of anticipation (obviousness) as used above.

As to claims 2,7,12 and 23, the read error includes presence/absence information is inherent in the Applicant Prior Art since the convention method/apparatus of figures 6-9 capable of reading and transferring any type of errors.

As to claims 21 and 32, a control panel for sending order of a user to CPU is inherent in every disk player including the Applicant Prior Art (figures 6-9).

Art Unit: 2653

8) Claims 3-5,8-10,13-20,24-31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9) The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (See form PTO-892 attached herein).

Applicant is reminded that in amending in response to a rejection of claims (if the rejection involves with any applicable arts), the patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and the objection made. Applicant must also show how the amendments avoid such references and objections. See 37 CFR §1.111(c).

10) Any inquiry concerning this communication or earlier communications from the examiner should be directed to TAN X. DINH whose telephone number is (703) 308-4859. The examiner can normally be reached on Monday - Friday, 8:00AM - 5:30PM.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system.

Art Unit: 2653

Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).



TAN DINH
PRIMARY EXAMINER
June 18, 2004